

SENATE BILL No. 399

DIGEST OF INTRODUCED BILL

Citations Affected: IC 4-33.

Synopsis: Local gaming referenda. Authorizes local referenda concerning the practice of conducting gambling games while a riverboat is docked and allowing the continuous ingress and egress of passengers for the purpose of gambling (known as "flexible scheduling"). Makes conforming amendments to apply to riverboats docked in cities and counties in which flexible scheduling is approved.

Effective: July 1, 2001.

**Rogers, Landske, Bowser, Mrvan,
Smith S, Antich**

January 18, 2001, read first time and referred to Committee on Rules and Legislative Procedure.

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First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

SENATE BILL No. 399

A BILL FOR AN ACT to amend the Indiana Code concerning gaming.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 4-33-2-7 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2001]: Sec. 7. **(a) Except as provided in**
3 **subsection (b), "dock" means the location where an excursion**
4 **riverboat moors for the purpose of embarking passengers for and**
5 **disembarking passengers from a gambling excursion.**

6 **(b) This subsection applies only to a riverboat docked in a**
7 **county or city that has approved flexible scheduling in a**
8 **referendum held under IC 4-33-6-21 or IC 4-33-6-22. As used in**
9 **this subsection, "dock" means the location where a riverboat**
10 **moors for the purpose of embarking passengers for and**
11 **disembarking passengers from the riverboat.**

12 SECTION 2. IC 4-33-2-7.5 IS ADDED TO THE INDIANA CODE
13 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
14 1, 2001]: Sec. 7.5. **"Flexible scheduling" refers to the practice of**
15 **conducting gambling games and allowing the continuous ingress**
16 **and egress of passengers for the purpose of gambling while a**
17 **riverboat is docked.**



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SECTION 3. IC 4-33-2-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 8. "Gambling excursion" means the time during which gambling games may be operated on a riverboat **that is not docked in a county or city that has approved flexible scheduling in a referendum held under IC 4-33-6-21 or IC 4-33-6-22.**

SECTION 4. IC 4-33-2-15.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 15.5. (a) **This section applies to a riverboat docked in one (1) of the following:**

(1) A county that has approved flexible scheduling in a referendum held under IC 4-33-6-21.

(2) A city that has approved flexible scheduling in a referendum held under IC 4-33-6-22.

(b) "Patron" means an individual who:

(1) boards a riverboat; and

(2) is not entitled to receive a tax free pass.

SECTION 5. IC 4-33-2-16.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 16.5. (a) **This section applies to a riverboat docked in one (1) of the following:**

(1) A county that has approved flexible scheduling in a referendum held under IC 4-33-6-21.

(2) A city that has approved flexible scheduling in a referendum held under IC 4-33-6-22.

(b) "Reporting period" means a twenty-four (24) hour increment used by the department to assess taxes under this article commencing at 6 a.m. each day and concluding at 5:59 a.m. the following day.

SECTION 6. IC 4-33-2-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 17. (a) **Except as provided in subsection (b), "riverboat" means a self-propelled excursion boat located in a county described in IC 4-33-1-1 on which lawful gambling is authorized and licensed under this article.**

(b) **This subsection applies only to a riverboat docked in a county or city that has approved flexible scheduling in a referendum held under IC 4-33-6-21 or IC 4-33-6-22. "Riverboat" means a self-propelled excursion boat or permanently moored barge located in a county described in IC 4-33-1-1 on which lawful gambling is authorized and licensed under this article.**

SECTION 7. IC 4-33-4-3, AS AMENDED BY P.L.14-2000, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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JULY 1, 2001]: Sec. 3. (a) The commission shall do the following:

(1) Adopt rules that the commission determines necessary to protect or enhance the following:

(A) The credibility and integrity of gambling operations authorized by this article.

(B) The regulatory process provided in this article.

(C) The natural environment and scenic beauty of Patoka Lake.

(2) Conduct all hearings concerning civil violations of this article.

(3) Provide for the establishment and collection of license fees and taxes imposed under this article.

(4) Deposit the license fees and taxes in the state gaming fund established by IC 4-33-13.

(5) Levy and collect penalties for noncriminal violations of this article.

(6) Deposit the penalties in the state gaming fund established by IC 4-33-13.

(7) Be present through the commission's inspectors and agents during the time gambling operations are conducted on a riverboat to do the following:

(A) Certify the revenue received by a riverboat.

(B) Receive complaints from the public.

(C) Conduct other investigations into the conduct of the gambling games and the maintenance of the equipment that the commission considers necessary and proper.

(D) With respect to riverboats that operate on Patoka Lake, ensure compliance with the following:

(i) IC 14-26-2-6.

(ii) IC 14-26-2-7.

(iii) IC 14-28-1.

(8) Adopt emergency rules under IC 4-22-2-37.1 if the commission determines that:

(A) the need for a rule is so immediate and substantial that rulemaking procedures under IC 4-22-2-13 through IC 4-22-2-36 are inadequate to address the need; and

(B) an emergency rule is likely to address the need.

(9) Adopt emergency rules under IC 4-22-2-37.1 to regulate the implementation of flexible scheduling in a county or city that approves flexible scheduling in a referendum held under IC 4-33-6-21 or IC 4-33-6-22.

(b) The commission shall begin rulemaking procedures under IC 4-22-2-13 through IC 4-22-2-36 to adopt an emergency rule adopted

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under subsection (a)(8) not later than thirty (30) days after the adoption of the emergency rule under subsection (a)(8).

SECTION 8. IC 4-33-4-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 10. The commission shall authorize the route of a riverboat and the stops, if any, that the riverboat may make **while on a cruise**.

SECTION 9. IC 4-33-4-21.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 21.2. (a) The Indiana gaming commission shall require a licensed owner to conspicuously display the number of the toll free telephone line described in IC 4-33-12-6 in the following locations:

(1) On each admission ticket to a riverboat, ~~gambling excursion~~
if admission tickets are issued.

(2) On a poster or placard that is on display in a public area of each riverboat where gambling games are conducted.

(b) The toll free telephone line described in IC 4-33-12-6 must be:

(1) maintained by the division of mental health under IC 12-23-1-6; and

(2) funded by the addiction services fund established by IC 12-23-2-2.

(c) The commission may adopt rules under IC 4-22-2 necessary to carry out this section.

SECTION 10. IC 4-33-6-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 6. (a) A ~~riverboat~~ **self-propelled excursion boat** that ~~operates in cruises from~~ a county described in IC 4-33-1-1(1) or IC 4-33-1-1(2) must:

(1) have a valid certificate of inspection from the United States Coast Guard for the carrying of at least five hundred (500) passengers; and

(2) be at least one hundred fifty (150) feet in length.

(b) A ~~riverboat~~ **self-propelled excursion boat** that ~~operates cruises~~ on Patoka Lake must:

(1) have the capacity to carry at least five hundred (500) passengers;

(2) be at least one hundred fifty (150) feet in length; and

(3) meet safety standards required by the commission.

~~(c) This subsection applies only to a riverboat that operates on the Ohio River. A riverboat must replicate, as nearly as possible, historic Indiana steamboat passenger vessels of the nineteenth century. However, steam propulsion or overnight lodging facilities are not required under this subsection.~~

SECTION 11. IC 4-33-6-9 IS AMENDED TO READ AS



FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 9. (a) A licensed owner must post a bond with the commission at least sixty (60) days before the commencement of ~~regular gambling on the riverboat. excursions.~~

(b) The bond shall be furnished in:

(1) cash or negotiable securities;

(2) a surety bond:

(A) with a surety company approved by the commission; and

(B) guaranteed by a satisfactory guarantor; or

(3) an irrevocable letter of credit issued by a banking institution of Indiana acceptable to the commission.

(c) If a bond is furnished in cash or negotiable securities, the principal shall be placed without restriction at the disposal of the commission, but income inures to the benefit of the licensee.

(d) The bond:

(1) is subject to the approval of the commission;

(2) must be in an amount that the commission determines will adequately reflect the amount that a local community will expend for infrastructure and other facilities associated with a riverboat operation; and

(3) must be payable to the commission as obligee for use in payment of the licensed owner's financial obligations to the local community, the state, and other aggrieved parties, as determined by the rules of the commission.

(e) If after a hearing (after at least five (5) days written notice) the commission determines that the amount of a licensed owner's bond is insufficient, the licensed owner shall upon written demand of the commission file a new bond.

(f) The commission may require a licensed owner to file a new bond with a satisfactory surety in the same form and amount if:

(1) liability on the old bond is discharged or reduced by judgment rendered, payment made, or otherwise; or

(2) in the opinion of the commission any surety on the old bond becomes unsatisfactory.

(g) If a new bond obtained under subsection (e) or (f) is unsatisfactory, the commission shall cancel the owner's license. If the new bond is satisfactorily furnished, the commission shall release in writing the surety on the old bond from any liability accruing after the effective date of the new bond.

(h) A bond is released on the condition that the licensed owner remains at the site for which the owner's license is granted for the lesser of:

(1) five (5) years; or

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(2) the date the commission grants a license to another licensed owner to operate from the site for which the bond was posted.

(i) A licensed owner who does not meet the requirements of subsection (h) forfeits a bond filed under this section. The proceeds of a bond that is in default under this subsection are paid to the commission for the benefit of the local unit from which the riverboat operated.

(j) The total and aggregate liability of the surety on a bond is limited to the amount specified in the bond and the continuous nature of the bond may in no event be construed as allowing the liability of the surety under a bond to accumulate for each successive approval period during which the bond is in force.

(k) A bond filed under this section is released sixty (60) days after:

(1) the time has run under subsection (h); and

(2) a written request is submitted by the licensed owner.

SECTION 12. IC 4-33-6-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 10. (a) An owner's license issued under this chapter permits the holder to own and operate one (1) riverboat and equipment for each license.

(b) An owner's license issued under this chapter does not permit the holder to:

(1) conduct gambling games authorized under this article while the riverboat is docked; and

(2) allow the continuous ingress and egress of passengers for the purposes of gambling;

unless the voters of the county or city in which the riverboat is docked have approved the conducting of gambling games while the riverboat is docked in the county in a referendum held under sections 21 and 22 of this chapter.

(c) An owner's license issued under this chapter must specify the place where the riverboat must operate and dock. However, the commission may permit the riverboat to dock at a temporary dock in the applicable city for a specific period of time not to exceed one (1) year after the owner's license is issued.

~~(c)~~ (d) An owner's initial license expires five (5) years after the effective date of the license.

SECTION 13. IC 4-33-6-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 11. The commission may revoke an owner's license if:

(1) the licensee begins regular ~~riverboat excursions~~ **operations** more than twelve (12) months after receiving the commission's approval of the application for the license; and



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(2) the commission determines that the revocation of the license is in the best interests of Indiana.

SECTION 14. IC 4-33-6-21 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 21. (a) This section applies to:**

(1) a county having a population of more than thirty-eight thousand five hundred (38,500) but less than thirty-nine thousand (39,000);

(2) a county having a population of more than twenty-nine thousand eight hundred (29,800) but less than thirty thousand (30,000);

(3) a county having a population of more than one hundred seven thousand (107,000) but less than one hundred eight thousand (108,000);

(4) a county having a population of less than six thousand (6,000);

(5) a county having a population of more than seven thousand (7,000) but less than eight thousand (8,000); and

(6) a county having a population of more than one hundred sixty thousand (160,000) but less than two hundred thousand (200,000).

(b) As used in this section, "flexible scheduling" refers to the practice of conducting gambling games while a riverboat is docked and allowing the continuous ingress and egress of passengers for the purpose of gambling.

(c) A riverboat owner may not:

(1) conduct gambling games authorized under this article while the riverboat is docked; and

(2) allow the continuous ingress and egress of passengers for the purpose of gambling;

unless the voters of the county have approved the conducting of gambling games while the riverboat is docked in the county.

(d) If at least the number of the registered voters of the county required under IC 3-8-6-3 for a petition to place a candidate on the ballot sign a petition submitted to the circuit court clerk requesting that a local public question concerning flexible scheduling be placed on the ballot, the county election board shall place the following question on the ballot in the county during the next general election or on the ballot of a special election held under subsection (f):

"Shall a licensed riverboat owner be permitted to conduct gambling games while the riverboat is docked in ____



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County?".

(e) A public question under this section shall be placed on the ballot in accordance with IC 3-10-9 and must be certified not later than noon August 1.

(f) If a general election is not scheduled during the year in which the petition described in subsection (d) is submitted to the circuit court clerk, the county election board shall place the question set forth in subsection (d) on the ballot of a special election to be held on the Tuesday following the first Monday of November. Notice of the pending special election shall be given by the county election board under IC 5-3-1. The notice of the special election must clearly state that the election is called for affording the registered voters an opportunity to approve or reject a proposal for the county to permit a licensed riverboat owner to conduct gambling games while the riverboat is docked in the county. The notice must also designate the time and voting place or places at which the election will be held. The special election shall be under the direction of the county election board in the county. The election board shall take all steps necessary to carry out the special election provided for in this subsection. However, the cost of conducting the special election shall be charged to the owner of the riverboat docked in the county.

(g) The clerk of the circuit court of a county holding an election under this chapter shall certify the results determined under IC 3-12-4-9 to the commission and the department of state revenue.

(h) If a public question under this section is placed on the ballot in a county and the voters of the county do not vote in favor of permitting flexible scheduling under this article, a second public question under this section may not be held in that county for at least two (2) years. If the voters of the county vote to reject flexible scheduling a second time, a third or subsequent public question under this section may not be held in that county until the general election held during the tenth year following the year that the previous public question was placed on the ballot.

SECTION 15. IC 4-33-6-22 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 22. (a) This section applies to:

(1) a city having a population of more than thirty-three thousand eight hundred fifty (33,850) but less than thirty-three thousand nine hundred (33,900) that is located in a county that has a population of more than four hundred thousand (400,000) but less than seven hundred thousand

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(700,000);

(2) a city having a population of more than one hundred ten thousand (110,000) but less than one hundred twenty thousand (120,000) that is located in a county that has a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); and

(3) a city having a population of more than seventy-five thousand (75,000) but less than ninety thousand (90,000) that is located in a county that has a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

(b) As used in this section, the term "flexible scheduling" refers to the practice of conducting gambling games and allowing the continuous ingress and egress of passengers for the purpose of gambling while a riverboat is docked.

(c) A riverboat owner may not:

- (1) conduct gambling games authorized under this article; and
- (2) allow the continuous ingress and egress of passengers for the purpose of gambling;

while the riverboat is docked, unless the voters of the city have approved the conducting of gambling games while the riverboat is docked in the city.

(d) If at least the number of the registered voters of the city required under IC 3-8-6-3 for a petition to place a candidate on the ballot sign a petition submitted to the circuit court clerk requesting that a local public question concerning flexible scheduling be placed on the ballot, the county election board shall place the following question on the ballot in the city during the next general election or on the ballot of a special election held under subsection (f):

"Shall a licensed riverboat owner be permitted to conduct gambling games while the riverboat is docked in the City of _____?"

(e) A public question under this section shall be placed on the ballot in accordance with IC 3-10-9 and must be certified not later than noon August 1.

(f) If a general election is not scheduled during the year in which the petition described in subsection (d) is submitted to the circuit court clerk, the county election board shall place the question set forth in subsection (d) on the ballot of a special election to be held on the Tuesday following the first Monday of November. Notice of the pending special election shall be given by the county election



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board under IC 5-3-1. The notice of the special election must clearly state that the election is called for affording the registered voters an opportunity to approve or reject a proposal for the city to permit a licensed riverboat owner to conduct gambling games while the riverboat is docked in the city. The notice must also designate the time and voting place or places at which the election will be held. The special election shall be under the direction of the county election board of the county. The election board shall take all steps necessary to carry out the special election provided for in this subsection. However, the cost of conducting the special election shall be charged to the owner of each riverboat docked in the county. Where two (2) or more riverboats are docked in the city, the cost of the special election shall be divided equally among each of the riverboats docked in the city.

(g) The clerk of the circuit court of a county holding an election under this chapter shall certify the results determined under IC 3-12-4-9 to the commission and the department of state revenue.

(h) If a public question under this section is placed on the ballot in a city and the voters of the city do not vote in favor of permitting riverboat gambling under this article, another public question under this section may not be held in that city for at least two (2) years. If the voters of the city vote to reject flexible scheduling a second time, a third or subsequent public question under this section may not be held in that city until the general election held during the tenth year following the year that the previous public question was placed on the ballot.

SECTION 16. IC 4-33-9-2, AS AMENDED BY P.L.20-1995, SECTION 15, AND P.L.55-1995, SECTION 3, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]:
Sec. 2. (a) This section does not apply to a riverboat docked in one (1) of the following:

(1) A county that has approved flexible scheduling in a referendum held under IC 4-33-6-21.

(2) A city that has approved flexible scheduling in a referendum held under IC 4-33-6-22.

(b) Except as provided in subsections ~~(b)~~, (c) and ~~(c)~~, (d), gambling may not be conducted while a riverboat is docked in a county or city other than a county or city described in subsection (a).

~~(b)~~ (c) If the master of the riverboat reasonably determines and certifies in writing that:

(1) specific weather conditions, water conditions, or traffic conditions present a danger to the riverboat and the riverboat's

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passengers and crew;

(2) *either the vessel or the docking facility is undergoing mechanical or structural repair;*

(3) *water traffic conditions present a danger to:*

(A) *the riverboat, riverboat passengers, and crew; or*

(B) *other vessels on the water; or*

(4) *the master has been notified that a condition exists that would cause a violation of federal law if the riverboat were to cruise;*

the riverboat may remain docked and gaming may take place until:

(1) the master determines that the conditions have sufficiently diminished *or been corrected* for the riverboat to safely proceed;

or

(2) the duration of the authorized excursion has expired.

(c) (d) The commission shall by rule permit gambling to be conducted for periods of not more than thirty (30) minutes during passenger embarkation and not more than thirty (30) minutes during passenger disembarkation.

SECTION 17. IC 4-33-9-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. (a) Except as provided in ~~subsection~~ **subsections (b) and (c)**, riverboat excursions may not exceed four (4) hours for a round trip.

(b) Subsection (a) does not apply to an extended cruise that is expressly approved by the commission.

(c) This subsection applies only to a riverboat docked in a county or city that has approved flexible scheduling in a referendum held under IC 4-33-6-21 or IC 4-33-6-22. A riverboat cruise may not exceed two (2) hours for a round trip.

SECTION 18. IC 4-33-9-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 14. (a) This section applies only to a riverboat that operates from a county that is contiguous to the Ohio River.

(b) A gambling ~~excursion~~ **cruise** is permitted only when the navigable waterway for which the riverboat is licensed is navigable, as determined by the commission in consultation with the United States Army Corps of Engineers.

SECTION 19. IC 4-33-9-17 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 17. (a) **This section applies only to a riverboat docked in one (1) of the following:**

(1) **A county that has approved flexible scheduling in a referendum held under IC 4-33-6-21.**

(2) **A city that has approved flexible scheduling in a**

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referendum held under IC 4-33-6-22.

(b) The riverboat owner may implement flexible scheduling on January 1 following the referendum held under IC 4-33-6-21 or IC 4-33-6-22.

SECTION 20. IC 4-33-10-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. (a) A person who knowingly or intentionally:

(1) makes a false statement on an application submitted under this article;

(2) operates a ~~gambling excursion in riverboat~~ on which wagering is conducted or is to be conducted in a manner other than the manner required under this article;

(3) permits a person less than twenty-one (21) years of age to make a wager;

(4) ~~aids, induces, or causes a person less than twenty-one (21) years of age who is not an employee of the riverboat gambling operation to enter or attempt to enter a riverboat;~~

(5) wagers or accepts a wager at a location other than a riverboat; or

~~(5)~~ (6) makes a false statement on an application submitted to the commission under this article;

commits a Class A misdemeanor.

(b) A person who:

(1) is not an employee of the riverboat gambling operation;

(2) is less than twenty-one (21) years of age; and

(3) knowingly or intentionally enters or attempts to enter a riverboat;

commits a Class C misdemeanor.

SECTION 21. IC 4-33-10-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 5. An action to prosecute a crime occurring during a ~~gambling excursion on a riverboat~~ shall be tried in the county of the dock where the riverboat is based.

SECTION 22. IC 4-33-12-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. (a) **This section does not apply to a riverboat docked in one (1) of the following:**

(1) A county that has approved flexible scheduling in a referendum held under IC 4-33-6-21.

(2) A city that has approved flexible scheduling in a referendum held under IC 4-33-6-22.

(b) A tax is imposed on admissions to gambling excursions authorized under this article at a rate of three dollars (\$3) for each

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1 person admitted to the gambling excursion. This admission tax is
 2 imposed upon the licensed owner conducting the gambling excursion.

3 SECTION 23. IC 4-33-12-1.5 IS ADDED TO THE INDIANA
 4 CODE AS A NEW SECTION TO READ AS FOLLOWS
 5 [EFFECTIVE JULY 1, 2001]: **Sec. 1.5. (a) This section applies only**
 6 **to a riverboat docked in one (1) of the following:**

7 (1) A county that has approved flexible scheduling in a
 8 referendum held under IC 4-33-6-21.

9 (2) A city that has approved flexible scheduling in a
 10 referendum held under IC 4-33-6-22.

11 (b) A tax is imposed on admissions to a riverboat authorized
 12 under this article at a rate of three dollars (\$3) for each patron who
 13 is on board at the time a passenger count is recorded.

14 (c) Passenger counts must be recorded one (1) hour after the
 15 start of each reporting period and once every two (2) hours
 16 thereafter under procedures approved by the commission.

17 (d) If the riverboat's schedule as approved by the commission
 18 does not provide for the riverboat to be open to the public at the
 19 start of the reporting period, passenger counts must be recorded
 20 one (1) hour after the riverboat begins admitting patrons during a
 21 reporting period and once every two (2) hours thereafter under
 22 procedures approved by the commission.

23 (e) This admission tax is imposed upon the licensed owner of the
 24 riverboat.

25 SECTION 24. IC 4-33-12-2 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 2. (a) This section does**
 27 **not apply to a riverboat docked in one (1) of the following:**

28 (1) A county that has approved flexible scheduling in a
 29 referendum held under IC 4-33-6-21.

30 (2) A city that has approved flexible scheduling in a
 31 referendum held under IC 4-33-6-22.

32 (b) If tickets are issued that may be used for admission to more than
 33 one (1) gambling excursion, the admission tax must be paid for each
 34 person using the ticket on each gambling excursion for which the ticket
 35 is used.

36 ~~(b)~~ (c) If free passes or complimentary admission tickets are issued,
 37 a person who has been issued an owner's license shall pay the same tax
 38 on the passes or complimentary tickets as if the passes or tickets were
 39 sold at the regular admission rate.

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